

**MINUTES
BRIDGEVILLE PLANNING AND ZONING COMMISSION
JANUARY 16, 2013 – 7:00 P.M.
TOWN HALL**

I. CALL TO ORDER

The Planning and Zoning Commission meeting was called to order at 7:00 P.M. by Acting Chairman, Joe Conaway, in the absence of Chairman Bill Atwood. Present: Planning and Zoning Commission members Jack Cannon, Sandie Rementer, Rob Richey, John Shockley, ex-officio member Code Enforcement Officer Jerry Butler and Town Solicitor Dennis Schrader. The applicant was represented by Misters Robert and Casey Rauch of Robert D. Rauch and Associates, Inc. and Mr. Michael J. Ertel of DMS Development, the contract owners. Also in attendance was Mr. Bill Remington, the Town's engineer from Davis, Bowen and Friedel, Inc. No members of the public were in attendance.

II. QUORUM PRESENT

Commissioner Conaway advised a quorum was present to conduct the business of the Planning and Zoning Commission.

**III. APPOINTMENT OF PLANNING AND ZONING COMMISSION
CHAIRPERSON AND SECRETARY**

Commissioner Conaway advised Mr. Bill Atwood and Ms. Ruth Ann Tull's positions are up for re-appointment at this meeting. Commissioner Shockley made a motion to re-appoint Mr. Atwood to Chairman of the Planning and Zoning Commission and to re-appoint Ms. Tull to the Secretary position. Commissioner Richey seconded the motion. Motion carried.

**IV. DMS DEVELOPMENT / ROBERT D. RAUCH & ASSOCIATES, INC.
(SCTM: #1-31-15.00, Parcels 8.00, 10.00-13.00)
Wawa Gas Station / Convenience Store, Bridgeville Delaware**

A. Site Approval and Combining of Lots

1. Discussion

Commissioner Conaway advised the Annexation Referendum was extremely successful with 175 votes in favor of annexing the Pepper Property (site of this proposed development) into the Town of Bridgeville and 1 vote against the annexation.

Solicitor Schrader reported a site plan review is a part of a Conditional Use approval and recommended that part B of tonight's agenda (Conditional Use Approval) and part C (Minor Development Plan Review) be consolidated into one for discussion and be considered two separate approvals in the decision phase.

Commissioner Conaway introduced the combining of lots into one parcel. Mr. Robert Rauch of Robert D. Rauch and Associates addressed the process of combining the five different properties,

one of which was the subject of the recent Annexation Referendum and the owner is now able to proceed with a request to consolidate the five lots into a single parcel. The combined property is 3.34 acres. Solicitor Schrader asked for clarification that all five properties are either owned by DMS or under contract. The answer was yes. Solicitor Schrader asked if each of the parcels is located in the Town of Bridgeville. The answer was yes. It was also noted that the Commissioners of Bridgeville voted to certify the annexation vote at their January 14th Commission meeting.

2. Public Hearing

Commissioner Conaway stated he does not believe public comment is necessary for this approval, as it is simply an administrative function.

3. Decision

There being no questions, Commissioner Conaway asked for a motion to proceed to combine the five lots into one single lot/parcel. (This is a function of the Planning and Zoning Commission and does not require approval by the Commissioners of Bridgeville.) Commissioner Richey made a motion to combine the five parcels into one parcel. Commissioner Cannon seconded the motion. Motion carried.

The votes of the Planning and Zoning Commission members were recorded as follows:

Rob Richey	Aye
Jack Cannon	Aye
John Shockley	Aye
Sandie Rementer	Aye
Joe Conaway	Aye

B. Conditional Use Approval

1. Discussion

Solicitor Schrader advised that a Conditional Use approval is slightly different from a change of zone because there are required findings that must be considered. In making a recommendation to the Commissioners of Bridgeville, the Planning and Zoning Commission must consider the following: Is the project in harmony with the purposes of the Comprehensive Plan? Will it be in harmony with the general character of the neighborhood? Will the use be detrimental to the economic value or development of surrounding properties? Will the use cause objectionable noise, vibrations, fumes, dust, or physical activity? Will the use have a detrimental effect on vehicular or pedestrian traffic? Will it adversely affect health, safety and security? Does the use adhere to all other applicable laws? These things must be included in the "findings" portion of the final decision. Acting Chairman Conaway added that the Commissioners should state their reason for voting in the affirmative or negative.

Mr. Robert Rauch advised the proposed project is a Wawa gas/convenience store operation and has been pending for a number of years. The area surrounding the proposed project has similar uses and the zoning is consistent with the proposed use. From a traffic standpoint, this project will actually consolidate a number of different entrances into a single-design entrance/exit point that DelDOT has reviewed and their final approval is imminent. The developer has already received comments from DelDOT concerning the project. The proposed development is adjacent to additional commercial uses that are part of the 404 re-alignment. The Wawa would have access from the rear of the property, as well. The entrances on Route 13 have been reviewed; however, the rear entrances are also being reviewed. The plans were originally submitted approximately 5 months ago. Commissioner Conaway questioned the number of entrances. Mr. Rauch advised there were approximately 5 curb cuts to begin with and they will be removed. There will be a right in entrance and a right out exit on Route 13. There will also be access from the rear of the gas station. Commissioner Conaway does not believe there should be any problems with the service road entrance/exit. Mr. Casey Rauch advised they have not had any issues with DelDOT at all. Commissioner Conaway advised this is a unique situation, because DelDOT is giving the project three entrances. The distance between the entrance/exit is approximately 250-300 ft. Mr. Robert Rauch advised DelDOT told the Rauchs what was required for entrances/exits before they began the design work, which simplified the process.

Mr. Rauch advised the project could not move forward for annexation until DelDOT agreed to vacate the road behind the property (old Rt. 404). Each parcel has had a small portion of the land added to its footprint and identifying the new size of each parcel was a prerequisite to the annexation process.

Mr. Robert Rauch advised this Wawa is a conventional store for the chain with standard designs. Commissioner Conaway advised he is not satisfied with "standard designs" for this Wawa. He believes Bridgeville deserves a higher level of aesthetic design for this gas station/convenience store. (I.E. – Royal Farms is beginning to place stonework around their gas pumps, giving the property an upgraded appearance.) He realizes it will cost more money, although not a great deal more. He would like it to look nicer than the "standard" Wawa and he is aware that those types of upgraded plans are available. Mr. Conaway is talking about cosmetic appearances. He likes the look of the Easton, Maryland Wawa. Mr. Conaway is asking that the Town Commissioners be given the ability to review and approve the design plans before construction begins. Mr. Robert Rauch advised his company will bring architectural renderings, elevations, signage design, etc. before the Town Commission for final site plan approval. Solicitor Schrader advised it would be important to keep the Town Commissioners in the loop concerning this discussion of an upgraded Wawa. Mr. Conaway's greatest concern is that we have a very nice-looking Wawa in Bridgeville.

Solicitor Schrader questioned Code Enforcement Officer Butler as to whether the Town's Comprehensive Plan allows for this type of highway commercial development. Code Enforcement Officer Butler reported this development is approved in the Comp Plan. Solicitor Schrader also asked the general use/character of that particular neighborhood. Mr. Rauch advised the area is highway services (i.e. gas station) and commercial. The property's previous use included a gas station, a diner and a rental home. It is understood that the rental home, diner and current gas station will be demolished as a part of this project moving forward.

Solicitor Schrader questioned the applicant concerning the following details:

1. The noise, odors and traffic of the area would be typical of a Wawa gas/convenience store center? Yes.
2. There would be a canopy over the gas pumps? Yes.
3. Some cooking on site? Yes.
4. Products for sale? Yes.
5. Indoor restrooms? Yes.
6. The proposed site will be reviewed/regulated by DelDOT/Fire Marshall/Department of Health, etc. with applications pending with each organization? Yes; however, the Office of Drinking Water permissions have not yet been submitted. Plans have also been submitted to the Sussex Conservation District.
7. Will the project be connected to the Town water and sewer? Yes.
8. Will the traffic patterns be designed to comply with DelDOT regulations? Yes, a TIS (Traffic Information Study) was completed and approved by DelDOT.
9. Will all the permits be in place before the opening of the facility? Yes.

Mr. Robert Rauch added that the Town engineer, Mr. Bill Remington, has been involved in the project to address the Town water/sewer issues. Mr. Remington advised he has information available to the Planning and Zoning Commissioners concerning his review of the project. Commissioner Conaway added there is an “ability to serve” letter in the packet acknowledging the Town’s offer of water/sewer services. The Town should also charge the appropriate impact fees to the developer for this project.

Commissioner Conaway questioned whether fire trucks will be able to get in and out easily. Mr. Casey Rauch advised the property has been designed to Fire Marshall standards.

Parking was questioned. Mr. Casey Rauch advised that Town standards require 45 spaces for the just-under 5,000 square foot building and 55 spaces are included in the design.

Mr. Robert Rauch advised a lot line revision will also be required in the near future. The lot line revision will establish the southern boundary line between the DMS property and the Rocks property. The building footprint itself must be finalized before the lot line revision can be accomplished. Commissioner Conaway questioned, as we view it now, if it meets all setback requirements from the existing lot lines? Mr. Robert Rauch answered yes and advised Wawa corporate is taking a look at it and will make the final decision concerning building placement. The building will be modified somewhat, likely no more than a foot change. The final development plan review will include these minor changes.

Commissioner Conaway asked whether they will be submitting a landscaping plan. Mr. Casey Rauch advised he has a conceptual plan with him which meets and exceeds the Town requirements. It will also be reviewed by the Wawa corporate office. Per Mr. Casey Rauch, the pond on the property will be a wet pond. Mr. Robert Rauch advised the pond is sized to accommodate the entire land bay. There is also discharge to a ditch and improvements to that ditch will be made. The Sussex Conservation District has recommended they take a “greener” approach and install a bio-swale.

Commissioner Conaway questioned sidewalks. Mr. Casey Rauch advised some are already installed. Commissioner Conaway added it is significant that DelDOT and the county require sidewalks, but when they build their own projects, they don't include sidewalks.

Solicitor Schrader questioned whether there will be a pylon sign on the property. Mr. Robert Rauch advised they will return in the future with final site plans, elevations and detailed sign plans.

Truck traffic was questioned. Mr. Michael J. Ertel, representing DMS development, LLC, advised Wawa doesn't cater to truck traffic and doesn't carry diesel fuel. This property design is not set up for truck traffic.

Commissioner Conaway questioned whether there is any movement to make the connection between Heritage Shores and Main Street at the junction of Main St. and the connector road to the Wawa. Mr. Robert Rauch advised the economy has been too poor to consider this project; however, things are picking up. Brookfield has been in touch with Rauch and Associates to begin the design of the next phases of the Heritage Shores development. They have also discussed what to do with the connector road. Commissioner Conaway desires to encourage the developer to make a direct connection to Bridgeville by completing that roadway. This road would be another connection to the development for the sake of the Fire Company. Fire Chief Jack Cannon advised the current distance from the Fire Station to Heritage Shores is almost 4 miles. Commissioner Shockley recommended a straight road to Heritage Shores, not a scenic, winding road, so that the fire trucks can make it through. Mr. Rauch advised there have been active discussions about a new phase and choosing which phase to move forward with, based on the market. There are approximately 375 completed homes (per number of building permits issued) and sales have been increasing. Code Enforcement Officer Butler believes there were approximately 30 homes built in 2012. Mr. Rauch commented that Heritage Shores is also excited to welcome the Wawa to Bridgeville.

Solicitor Schrader returned to the Conditional Use approval. The only condition he has drafted is that the applicant secures all licenses and permits required for the use of the premise as a gasoline station and convenience store from all state/federal/county agencies with jurisdiction over the use of the property, but otherwise simply comply with the rules, regulations, statutes and ordinances related to the use of the property.

Commissioner Conaway included a second condition, despite Solicitor Schrader's insistence that the Town cannot dictate aesthetics. Commissioner Conaway conditioned that Wawa submit an upgraded design plan for this property. Solicitor Schrader cautioned the Commissioners against pursuing aesthetics; however, in the opinion of Acting Chairman Conaway, there is ample reference in the Town Code that allows for design choices. Mr. Robert Rauch advised they are happy to be on record, whether a part of the formal condition or not, to pursue an upgraded façade for the property. Commissioner Conaway is satisfied with that commitment and the additional commitment of Mr. Michael Ertel of DMS to pursue upgraded aesthetics. Mr. Ertel reported they are working on some new design elements that should be just the type of upgrade that the Town is looking for.

Commissioner Conaway believes this Wawa could be the beginning of a great deal of development interest and movement in Bridgeville and he wants to head this future development into a

more upscale/upgraded direction (without a huge cost investment). Solicitor Schrader added that if the developer presents an upgraded plan from the standard Wawa with architectural renderings of elevations, landscaping, lighting, etc., it could be very helpful in getting subsequent approvals from the Town. Mr. Robert Rauch asked if they should prepare interim submittals. Solicitor Schrader recommended bringing interim submittals to the Commission meeting on February 11th, as the Town Commissioners must be convinced of the viability of a Wawa in Bridgeville.

Commissioner Cannon questioned again the availability of diesel fuel. Mr. Ertl believes there is only room for gasoline fuel tanks underground at this location. It is his understanding that this station will not have diesel; however, he will be glad to double-check. It is not typical for Wawa to provide diesel fuel at their gas stations.

2. Public Hearing

Commissioner Conaway opened the Public Hearing at 7:45 P.M. and asked, for the record, if there is anyone in attendance who wishes to speak in favor of the Conditional Use application. There being none, he asked if there is anyone in attendance who wishes to speak in opposition to the Conditional Use application. There being none, he closed the Public Hearing at 7:46 P.M.

3. Decision

Commissioner Conaway asked for a motion concerning this Conditional Use application from DMS Development for a Wawa Gas Station/Convenience Store on a parcel of 3.34 acres, subject to the following two conditions:

1. The applicant must secure all licenses and permits required for the use of the premises as a gasoline station and convenience store from all state/federal/county agencies with jurisdiction over the use of the property and comply with the rules, regulations, statutes and ordinances related to the use of the property by the Town of Bridgeville.
2. Per Commissioner Conaway's request, the applicant must pursue upgraded design elements/facade for this property.

Commissioner Shockley made a motion to recommend to the Commissioners of Bridgeville the approval of the Conditional Use application of DMS Development for a Wawa Gas Station/Convenience Store on a parcel of 3.34 acres, subject to the two conditions quoted above. Commissioner Rementer seconded the motion. Motion carried.

The votes of the Planning and Zoning Commission were recorded as follows:

Rob Richey	Aye	He believes it will be an improvement to that area and an improvement to the Town.
Jack Cannon	Aye	He agrees with Mr. Richey that it will be a big improvement and an upgrade to the Town.

John Shockley	Aye	He believes it will be the impetus for more businesses in an area that the Town needs, i.e. restaurants/grocery store.
Sandie Rementer	Aye	She dislikes seeing empty, unused buildings. She believes this will be a great improvement.
Joe Conaway	Aye	He agrees, based on the record as set by representatives of DMS Development. He also requests that comments by our Attorney be added to the record.

The Conditional Use request for the Wawa Gas Station/Convenience Store was approved by the Planning and Zoning Commission with a recommendation of approval send to the Commissioners of Bridgeville.

C. Preliminary Minor Development Plan Approval

1. Discussion

The Minor Development Plan also must be approved by the Planning and Zoning Commission. Commissioner Conaway advised this is a Preliminary Minor Development Plan Approval. The final Minor Development Plan approval will be considered upon completion of the following:

1. All approvals submitted by Town engineers.
2. All permits issued by appropriate agencies, including Office of Drinking Water, Fire Marshal, DelDOT, Highway Department, Sussex County Soil Conservation and Town Water/Sewer Departments.
3. Conditional Use application approval by the Commissioners of Bridgeville at their February 11, 2013 Commission meeting (for the underlying zoning).

(Please see further discussion concerning the Minor Development Plan in Section B., Conditional Use Approval on pages 2 – 6.)

2. Public Hearing

A Public Hearing was not necessary for this Approval.

3. Decision

Commissioner Shockley made a motion to approve the Preliminary Minor Development Plan, including the stipulations above which will be attached to the approval. Commissioner Rementer seconded the motion. Motion carried. (This is a function of the Planning and Zoning Commission and does not require approval by the Commission.) 0

The votes of the Planning and Zoning Commission were recorded as follows:

Rob Richey	Aye
Jack Cannon	Aye
John Shockley	Aye
Sandie Rementer	Aye
Joe Conaway	Aye

V. ADJOURNMENT

Commissioner Shockley made a motion to adjourn the meeting. Commissioner Rementer seconded the motion. Motion carried. The meeting was adjourned at 7:52 P.M.

Respectfully submitted,

Joseph T. Conaway

Joseph T. Conaway
Acting Planning and Zoning Commission Chairman